

Curfew Information

The City's new curfew law, Ordinance 30-401 states

- (a) It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times:
 - (1) Between 12:01 a.m. and 6:00 a.m. on Saturday.
 - (2) Between 12:01 a.m. and 6:00 a.m. on Sunday.
 - (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
- (b) (Reserved)
- (c) The following are absolute affirmative defenses to a charge under this chapter:
 - (1) The minor is accompanied by the child's parent, legal guardian, or a sibling who is at least twenty-one (21) years of age.
 - (2) The minor is accompanied by a person who is at least twenty-one (21) years of age and known and approved by the minor's parent or legal guardian.
 - (3) The minor is participating in, going directly to, or returning from any of the following:
 - a. Employment which the minor is authorized by federal or Illinois law to perform;
 - b. An activity sponsored by the minor's school;
 - c. A religious activity;
 - d. An emergency involving the protections of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - e. Any activity involving the exercise of the minor's rights protected by the first Amendment of the United States Constitution or Article 1, subsection 3, 4, and 5 of the Constitution of the State of Illinois, or both;
 - f. Any activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adult.

- (d) A citation for violation of subsection (a) and (b) may be issued by a police officer only if the officer reasonably believes that a violation has occurred and none of the absolute, affirmative defenses in subsection (c) is applicable.
- (e) A police officer considering an arrest for subsections (a) and (b) must make fair and reasonable inquiry into whether any of the defenses in subsection (c) pertain to the minor that the officer might detain or investigate for a violation of subsection (a) or (b) before issuing a citation. "Reasonable Inquiry" means discussion with the minor and should the minor choose to speak with the officer, a bona fide attempt to make contact with any person who, based upon what the minor relates, could corroborate the existence of a defense as set forth in subsection (c).
- (f) It is unlawful for a parent, legal guardian, custodian, or any other person to knowingly allow or assist a minor in his care, custody, or control to violate subsections (a) or (b);
- (g) It is unlawful for any person knowingly or intentionally to provide untruthful, false or intentionally misleading information to an officer conducting a reasonable inquiry into subsection (c) defenses as required by subsection (e). Prosecution under this subsection (g) shall not preclude an additional prosecution under City or State penal provision for interfering with an officer or obstruction of justice.
- (h) The defenses set forth in subsection (c) do not apply to a minor in violation of subsections (a) or (b) and an arresting officer has no duty to conduct an investigation into those defenses where there is probable cause for the officer to believe the minor is committing, has committed during the prohibited curfew period or is attempting to commit a violation of any provision of Chapters 18 or 31 of this Code, such activity enjoying no constitutional protection:
- (i) (1) any person violating subsection (a) or (b) of this Ordinance shall be subject to a fine as set forth in Chapter 32 of this Code;

(2) Any person violating subsection (g) of this Ordinance shall be subject to a fine of not less than \$200 and not more than the maximum as set forth in Chapter 32 of this Code;
- (j) Effective Date – This ordinance shall become effective upon its passage by this Council and signature by the Mayor.

- (k) Saving Clause – In the event any sentence, portion or subparagraph of this Ordinance shall be deemed by any court unconstitutional or otherwise invalid or unenforceable, the subparts and provisions not affected or so deemed shall remain in full force and effect and be enforceable through the home rule authority of this City and the jurisdiction of the Circuit Court.

Adopted: June 20, 2005

Approved: June 21, 2005

Driver's License Invalid After Curfew

Chapter 625 of the Illinois Compiled Statutes called the Illinois Vehicle Code Section 5/6 110 states in part,

- (a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the name, social security number, zip code, date of birth, address, and a brief description of the licensee, and a space where the licensee may write his usual signature. **If the licensee is less than 17 years of age, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during any time the licensee is prohibited from being on any street or highway under the provisions of the Child Curfew Act.**